

**Notice of Allowability**

Application No.

10/763,585

Applicant(s)

CABRERA ET AL.

Examiner

Elmira Mehrmanesh

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/26/07.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This action is in response to an RCE filed on June 26, 2007, for the application of Cabrera et al., for a "Selectable data field consistency checking" filed January 23, 2004. Claims 1-40 are allowed.

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Bonacci on August 16, 2007. The application has been amended as follows:

As per claim 35, lines 5-6 and 8, "computer-readable media" is to be replaced by -computer-readable storage media-

As per claim 36, lines 2-3, "computer-readable media" is to be replaced by -computer-readable storage media-

As per claim 37, line 2, "computer-readable media" is to be replaced by -computer-readable storage media-

As per claim 38, line 2, "computer-readable media" is to be replaced by -computer-readable storage media-

### **Response to Arguments**

Applicant's arguments see Appeal Brief filed on June 26, 2007, with respect to claims 1-40 have been fully considered and are persuasive. The rejection of claims 1-40 has been withdrawn.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

After a complete search of all the relevant prior art the examiner has determined the claims are in condition for allowance. The following limitations when viewed in combination with the remainder of the claim as a whole, place this application in condition for allowance.

As per claims 1, 17, and 25, the Examiner finds the novel and non-obvious feature of this claim, when read as a whole to be an act of selectively identifying a plurality of data fields of state information corresponding to the instance that are to be subject to consistency checking and an act of selectively identifying an event that will prompt the consistency checking by one or more of the application instance or the consistency management module.

The above claims were rejected over Koizumi et al. (U.S. Patent No. 4,789,986) in view of McElroy et al. (U.S. Patent No. 6,374,364).

Koizumi Figure 4 shows a format of file edit data. Koizumi Figure 5 shows a format of file edit initial data. Koizumi Figure 6 shows a format of a file edit message. Koizumi discloses a data consistency check method, which performs a consistency check on the data read out of the receiving buffer (col. 5, lines 1-13), however Koizumi

fails to teach either selectively identifying the data fields or that the depicted data fields are state information corresponding to the instance.

McElroy discloses a selection method from among the various inputs (col. 5, lines 33-59). McElroy further discloses system verification is accomplished by comparing the results from one instance of the application executing on one processor with the results from another identical instance of the application executing on another processor (col. 5, lines 23-27). Referring to applicant's arguments (see Remarks, pages 16-17) the present invention, however claims that the data fields of state information, which are identified, correspond to *the instance* of an application program. McElroy's selection method is performed external to the application (col. 5, lines 35-36) and differs from the claimed limitation in which data fields are selected from within a particular application instance.

Further Koizumi discloses a voting error message is supplied to the queue of the input buffer 406 (step 1027) (Fig. 10b and col. 6, lines 29-32) and initializing a data consistency check by clearing the counter, however Koizumi fails to teach an act of selectively identifying an event that will prompt the consistency checking. Based on the stated reasons and in view of the applicant's remarks, the above claims overcome Koizumi in view of McElroy.

As per claims 32 and 35, the Examiner finds the novel and non-obvious feature of this claim, when read as a whole to be an act of receiving a function call using an Application Program Interface from the instance, the function call indicating that the instance has found an inconsistency in a selectively identified plurality of data fields.

Koizumi Figure 4 shows a format of file edit data. Koizumi Figure 5 shows a format of file edit initial data. Koizumi Figure 6 shows a format of a file edit message. Koizumi discloses a data consistency check method, which performs a consistency check on the data read out of the receiving buffer (col. 5, lines 1-13), however Koizumi fails to teach either selectively identifying the data fields or that the depicted data fields are state information corresponding to the instance.

McElroy discloses a selection method from among the various inputs (col. 5, lines 33-59). McElroy further discloses system verification is accomplished by comparing the results from one instance of the application executing on one processor with the results from another identical instance of the application executing on another processor (col. 5, lines 23-27). Referring to applicant's arguments (see Remarks, pages 16-17) the present invention, however claims that the data fields of state information, which are identified, correspond to *the instance* of an application program. McElroy's selection method is performed external to the application (col. 5, lines 35-36) and differs from the claimed limitation in which data fields are selected from within a particular application instance. Based on the stated reasons and in view of the applicant's remarks, the above claims overcome Koizumi in view of McElroy.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2113

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elmira Mehrmanesh whose telephone number is (571) 272-5531. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Robert W. Beausoliel*  
ROBERT W. BEAUSOLIEL  
PATENT EXAMINER  
ART UNIT 2113